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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,563	11/19/2001	Bjorn Christian Granfeldt	P67255US0	8324

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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/926,563

**Applicant(s)**GRANFELDT ET AL. **Examiner**

John M Winter

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,5,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5 and 11 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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## DETAILED ACTION

Claims 3,5,10 and 11 remain pending.

### *Response to Arguments*

The Applicants arguments filed on October 6, 2004 have been fully considered.

The Examiner states that claim 10 is rejected in view of the newly discovered reference Stromberg (US Patent 5,450,051).

See following rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawan, (US Patent No 6,442,532) in view of Chaum, et al. (US Patent No 6,434,238) and further in view of Stromberg (US Patent 5,450,051).

As per claim 10,

Kawan, ('532) discloses a payment system utilizing so called "smart cards", which include a microprocessor attached to the card with associated memory circuits for storage of program software and 5 transactions, and which via a terminal can be supplied an available and for the card holder useable amount, from which reduction can be made via a pay terminal when the card is used as a means of payment, and that a unique card number for said card, together with a PIN code registered for the card, are transformed by means of the card micro processor into a unique user certificate for each individual card, which is used for verification of the authority of the user, characterized in,

information relating to the maximum number of such transactions that can be preformed without the card communicating and transferring information of executed transactions to the bank holding the account or similar party, such transactions being registered and stored in the memory circuits of the card with a corresponding reduction and storage of remaining available amount and remaining number of allowed executable transactions(Column 8, lines 22-44; also Figures 5 and 6)

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that said card when used in connection with payment terminals not communicating on-line performs storage of transaction data in the memory circuits of the card as well as in the payment terminal;(Column 8, lines 35-44)

that said card, when inserted into a reading terminal having direct connection to the bank holding the account or similar party, performs transfer of stored transaction data in the card for registration/checking recorded transactions with said bank or similar, and that preferably also at the same time limit values for total number of transactions allowed without stating PIN code, as well as maximum total amount limit for such transactions, are updated/restored.(Column 6, lines 58-67; column 7 lines 1-8)

Kawan, ('532) does not explicitly disclose that said card includes stored information relating to a maximum level of amount to which the card can be used without stating PIN code. Chaum et al. ('238) discloses that said card includes stored information relating to a maximum level of amount to which the card can be used without stating PIN code. (Column 52, lines 34-46) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Kawan, ('532) method with the Chaum et al. method in order to allow the consumer freedom from needing network access by allowing the consumer to make purchases in non-serviceable areas

Kawan, ('532) does not explicitly disclose that for certain geographical area the card is programmed for a certain number of cost units related to public transport, which can be used without a PIN code being required.. Stromberg ('051) discloses that for certain geographical area the card is programmed for a certain number of cost units related to public transport, which can be used without a PIN code being required. (Column 2, lines 40-58) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Kawan, ('532) method with the Stromberg ('051) method in order to allow the consumer to commute without needing to use a PIN.

### ***Allowable Subject Matter***

Claims 3,5 and 11 are allowable over the prior art record..

### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

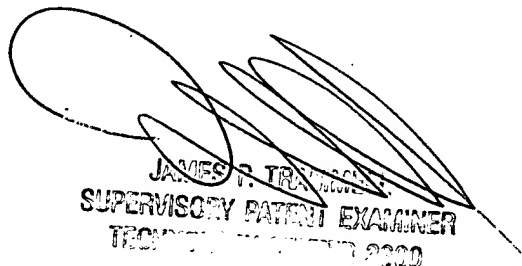
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

December 13, 2004



JAMES P. TRAMMELL  
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